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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 05/21/2008 have been fully considered but they are not persuasive. Applicants argued:

(1) Applicants assert that the feature of "said peer-to-peer platform protocols are distinct from the at least one network transport protocols" is supported by the passages including "protocols independent of transport protocols".

In response, the rejections of claims 1-64 under 35 U.S.C. 112, first paragraph is withdrawn.

(2) Davis is directed to network transport layers and network transport protocols. Applicants note that the Examiner did not address the above argument in the Response to Arguments section of the Final Action mailed March 21, 2008.

In response, Examiner respectfully disagrees that the remarks have not been addressed. See paragraphs 3-4 in the Final Action. Examiner contended that Davis teaches the claims' features of the peer-to-peer protocols including said establishing, said transmitting, said receiving, and said retransmitting (col. 9, lines 5-8; col. 9, lines 25-28; col. 59, lines 1-3; col. 73, lines 44-47), but the protocols are not distinct from the network transport protocol. Black teaches of a system for a messaging protocol that is independent of network transport protocols to allow messaging scheme for different transport protocols (col. 10, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify Davis' teachings for the one or more peer-to-peer protocols that perform said establishing, said transmitting, said receiving, and said retransmitting, to be implemented as messaging protocol independent of the network

transport protocol as taught by Black, which would allow Davis' protocols to operate on different transport protocols.

(3) Applicant asserts that a computer may "function as a peer in a peer-to-peer network" without necessarily including a peer-to-peer platform comprising any of the specific peer-to-peer platform protocols recited in claim 1. Applicants assert that Davis does not describe of peer-to-peer protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer network.

In response, Davis teaches of peers communicating with each other and sharing content with each other (col. 8, lines 21-24; col. 9, lines 1-8, 23-24). It is also essential that the peers are also able to discover each other, e.g. discover an IP address of a peer, as the peers have information regarding other peers to communicate with each other. If the peers cannot discover each other, then the peers would not have sufficient information to communicate with each other. Davis' teachings of protocols for enabling peers to discover, communicate, and share content with each other are considered as peer-to-peer platform protocols.

(4) Applicant asserts that Davis, Dreke, and Black do not describe the particular peer-to-peer protocols recited in claim 1. For example, these references fail to teach or suggest any peer-to-peer protocols for enabling peers to discover each other, wherein to discover comprises obtaining an address for each discovered peer node.

In response, Applicant's specification does not provide a clear and explicit definition of peer-to-peer protocols to control the interpretation of the term, and the claims are given the

broadest reasonable interpretation. Davis, Dreke, and Black teach all the features of the claimed peer-to-peer protocols. Davis teaches of peers enabled to discover, communicate, and share content with each other. Dreke teaches of peers enabled to obtained IP addresses of discovered peers. In combination, Davis, Dreke, and Black teach of peers enabled to discover, communicate, and share content with each other, wherein peers are enabled to obtained IP addresses of discovered peers. The combined references teach all of the features in the claimed peer-to-peer protocols and are thus considered as operating according to the claimed peer-to-peer protocols.

(5) Applicants note that the claim requires that peer nodes are enabled to discover each other, not merely to be made known to each other. Davis does not teach any “rules in which peers” discover each other via a particular protocol. Applicant's note that there are many ways that a device may obtain an address for another device that does not involve a peer-to-peer platform protocol.

In response, Applicant argues that the claimed peer-to-peer protocols are protocols are other than the features taught by the references. However, the specification does not provide a clear and explicit definition of peer-to-peer protocols to control the interpretation of the term. The claims define peer-to-peer protocols as protocols for said establishing, said transmitting, said receiving, and said retransmitting. The claimed peer-to-peer protocols also enable peers to discover, communicate, and share content with each other. Davis teaches of peers that enabled to discover, communicate, share content with each other. Davis also teaches of said establishing, said transmitting, said receiving, and said retransmitting. Therefore, all the features of the

claimed peer-to-peer protocols are taught by Davis and thus Davis' teachings are considered as operating according to peer-to-peer protocols. Furthermore, according to Davis, the peers are enabled to communicate with each other. Therefore, it is essential that a peer is enabled to discover another peer, i.e. obtain information regarding another peer, to establish a connection with the another peer and communicate with the another peer. One of ordinary skill in the art would recognize that there are inherent methods and procedures in Davis' teachings of discovering, communicating, and sharing between peers.

(6) Dreke's teachings describe that the IPIS transmits a list including the last known address. This clearly does not teach or suggest a peer-to-peer platform protocols for enabling peers to discover each other.

In response, as previously addressed, Davis teaches of peer-to-platform protocols for enabling peers including enabling peers to discover each other. Davis did not explicitly teach of obtaining an address for each discovered peer node. However, Dreke teaches of obtaining an address of peers on the network (Paragraph 0017). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(7) Applicants assert that the Examiner's stated reason for combining the references is unsupported in the cited art. It does not make sense to implement the teachings of Davis independent of such transport protocols nor is it clear if or how this could be accomplished.

In response, Examiner's stated reason for combining the references was for allowing the specific messaging scheme in the suggested system to support different transport protocol.

Black teaches,

"The transport relationship between two queue managers is known as a channel. The key elements defining a channel are the name of a transmission queue, information concerning the transport processes or programs 180,190' which send or receive messages over the channel (these processes, which are part of the queue managers, are known as message channel agents--hereafter MCAs). (col. 10, lines 12-20)

The message format and the safe movement protocol are transport layer independent so that MCAs can support different transport protocols on different channels. The protocols used by the MCAs are described below. (col. 10, lines 61-67)

Black teaches of a messaging scheme that is independent of the transport layer to allow the messaging scheme to support different transport protocols. Therefore, the Examiner's reasoning is supported by Black, and it would have been obvious to one of ordinary skill in the art for the peer-to-peer protocols as taught by Davis, which are well known in the transport protocol, to be implemented in a messaging protocol that is independent of the transport protocol to allow the messaging of the peer-to-peer protocols to support different transport protocols.

Furthermore, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).